

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 76054

Charles Bates
Keri Bates

7801 St. Fabian Lane

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 25, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-115, 13-7-312; owner occupied, section 35-5-302 (b)(1)(3), failure to repair gutters/downspouts on residential property zoned DR 10.5 known as 7801 St. Fabian Lane, 21227.

On May 11, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ed Creed issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,500.00 (three thousand five hundred dollars).

The following persons appeared for the Hearing and testified: Charles Bates, Respondent and, Stuart Kelly, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 20, 2010 for removal of trash and debris, repair exterior structure, repair fence. This Citation was issued on May 11, 2010.

B. Inspector Stuart Kelly testified that the Citation was issued because the gutters and downspouts were broken and not repaired. Photographs in the file show the horizontal rain gutter broken off the house. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302.

C. Respondent Charles Bates testified that he has engaged a contractor to make the necessary repairs to the gutters, and that the contractor was scheduled to come the Saturday after this Hearing. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by June 16, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 1st day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.